

REMARKS

Claims 1-10 and 14 are pending in the present application. Non-elected claims 11-13 have been canceled. Claims 1-10 stand rejected. By this amendment, claims 1 and 2 have been amended. In view of the amendments to the claims and the remarks below, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

At the outset, applicant notes that claim 14 is correctly stated as being withdrawn and that, at present, there is no allowable generic claim. However, upon indication of allowable subject matter in independent claim 1, applicant respectfully requests that claim 14, which depends from claim 1, be rejoined and allowed.

The Examiner states, with reference to the Information Disclosure Statement filed on June 28, 2005, that each patent reference provided with the Statement has been considered, but that a non-patent reference to Nuss et al., which was identified in the Information Disclosure Statement, was not submitted and thus has not been considered. Since this reference was listed in the International Search Report, a copy should have been provided to the USPTO by the International Bureau. In any event, to complete the record, Applicants submit herewith a Supplemental Information Disclosure Statement with the missing reference for consideration by the Examiner.

The specification stands objected to because the specification attempts to incorporate by reference a foreign application. Specifically, the specification attempts to incorporate by reference European Patent Application No. 01907935.9. Application, p. 10, first complete paragraph. In response, Applicants have amended this paragraph to refer instead to U.S. Patent No. 7,174,037, which is the U.S. counterpart of the referenced European patent application. The disclosures of U.S. Patent No. 7,174,037 and European Patent Application No. 01907935.9 are substantially the same. No new matter has been added. Applicants respectfully request that the objection be withdrawn.

The specification further stands objected to for lacking various headings identified on page 4 of the Office Action. In response, Applicants have amended the specification to include appropriate headings. Applicants respectfully request that the objection be withdrawn.

Claims 1-10 stand rejected under 35 U.S.C. § 101 for lacking patentable utility. Specifically, the Office Action alleges that claims 1-10 fail to convey “any specific or substantial function.” Office Action, p. 5. The rejection is respectfully traversed.

Claim 1 has been amended to recite “a method of generating a representation of the compositional distribution of a chemical sample as a function of depth for facilitating an analysis of the quality of the chemical sample.” According to the claim, the “representation shows whether the compositional distribution is uniform.” Similarly, claim 2 has been amended to recite “a method of generating a representation of the granularity of a chemical sample as a function of depth for facilitating an analysis of the quality of the chemical sample.” The “representation shows whether the granularity is uniform.” Thus, claims 1 and 2 each recite a specific function and the steps used to carry-out the recited function. The importance and usefulness of the recited functions (showing a compositional distribution or granularity of a chemical sample) is discussed in the present application, for example, with reference to drug discovery, product development, process development for manufacturing a product, and manufacture of the product. Application, pp. 1-2. Therefore, claims 1 and 2 both have utility and are allowable.

Claims 3-10 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Therefore, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

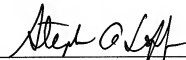
Claims 1-10 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to enable one skilled in the art to use the claimed invention since the claims allegedly lack utility. However, as explained above, claims 1 and 2 have been amended to clarify their utility. Accordingly, a person of ordinary skill in the art would understand the utility of the claimed methods and would thus be able to perform the recited steps of the claimed methods to carry-out the recited function of

the claims. Therefore, for at least the same reasons explained above in relation to the utility of claims 1-10, the claims are allowable and the § 112 rejection should be withdrawn.

In view of the above, Applicants believe the pending application is in condition for allowance. If there are any additional charges in connection with this filing or any subsequent filings (including but not limited to issue fees), the Examiner is respectfully requested and authorized to charge Deposit Account No. 04-1073 therefor under Order No. M0025.0336/P336.

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Respectfully submitted,

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